

**From:** [Peak, Nicholas](#)  
**To:** Matthew Thompson's email address – (b)(6)  
**Subject:** RE: 4 Brothers NOI and NMP  
**Date:** Wednesday, January 12, 2022 10:12:00 AM

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Thanks Matt. I spoke with Mark for quite some time yesterday regarding the setback issues and sent him some information. I'm assuming he'll send it to you as well but I'll forward what I emailed him. I completely understand the concerns of the farm.

Nick Peak  
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**From:** Matthew Thompson's email address – (b)(6)

**Sent:** Wednesday, January 12, 2022 10:09 AM

**To:** Peak, Nicholas <[Peak.Nicholas@epa.gov](mailto:Peak.Nicholas@epa.gov)>

**Subject:** RE: 4 Brothers NOI and NMP

Yeah if those things are resolved I can get back on that. I have a couple other items that I need to complete first but I should be back on it by the end of the month. Mark was going to contact you on the setback issues. Working through those are the biggest item of concern for the farm at this point.

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**From:** Peak, Nicholas <[Peak.Nicholas@epa.gov](mailto:Peak.Nicholas@epa.gov)>

**Sent:** Monday, January 3, 2022 11:15 AM

**To:** Matthew Thompson's email address – (b)(6)

**Subject:** 4 Brothers NOI and NMP

Good morning Matt,

Any updates on the NOI and NMP for the 4 Brothers Dairy? I know there was some confusion regarding the vacatur or the Idaho NPDES CAFO General Permit. However, on December 16<sup>th</sup>, the 9<sup>th</sup> Circuit Court of Appeals granted EPA's motion for reconsideration of the permit vacatur. The Court revised its opinion to REMAND the Idaho CAFO permit to EPA to address, instead of vacating the permit. This means, the permit is in effect and EPA can issue coverage under the permit while it goes through the modification process to address the Court's remand.

Let me know if you have any questions and I hope you had a great holiday season.

-Nick

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